

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/5/07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
VIACOM INTERNATIONAL, INC.,
et al.,

Plaintiff,

- against -

YOUTUBE, INC., YOUTUBE, LLC
and GOOGLE, INC.

Defendants.
-----x

07 Civ. 2103 (LLS)

**Order Permitting Filing of,
and Denying, Motion to
Intervene**

Ms. Sandra Ann Bradshaw Lucas-Morrow's May 22, 2007 motion to intervene shall be accepted for filing and docketed by the clerk.

The motion is denied. The right Ms. Lucas-Morrow seeks to vindicate by her intervention is her claim that, as a child of the author of one of the musical compositions listed in the complaint, she is entitled by the "principle of [per] stirpes" to a share of the composition's earnings, which have not been paid her by ASCAP, of which plaintiff Viacom is a member. That claim involves a matter of state inheritance law. As shown by her motion papers, she has asserted it, so far unsuccessfully, in the United States District Court for the District of New Jersey, the Court of Appeals for the Third Circuit, the Supreme Court, and the United States District Court for the Southern District of New York. The personal relationships and state

inheritance-law issues involved in that claim are no proper part of this litigation. They are not copyright claims. They do not arise under the Copyright Act, but are governed by state law.

Nor does the claim she asserts "have a question of law or fact in common" with this action, the subject of which is whether YouTube and Google infringed Viacom's rights under the Copyright Act, 17 U.S.C. § 101, et seq. None of the proper purposes of intervention would be served by allowing Ms. Lucas-Morrow's claim that ASCAP should be paying her royalties to interfere with the process of adjudicating the infringement issues in this litigation. Fed. R. Civ. P. 24(b). To the extent she has an interest in asserting that the copyright has been infringed by the defendants, that interest is adequately represented by existing parties. Fed. R. Civ. P. 24(a). She may fear that ASCAP will dissipate any funds Viacom recovers in this litigation, by payments to the author's daughter and grandson instead of to her. But her claim to such proceeds has nothing in common with this litigation, and as held by Hon. Kimba Wood, this Court has no jurisdiction over it. Sandra Ann Bradshaw Lucas-Morrow v. ASCAP and United States, No. 07 Civ. 2070 (KMW) (S.D.N.Y. Mar. 12, 2007).

Ms. Lucas-Morrow's motion to intervene is accepted for filing, and is denied.

So ordered.

Dated: New York, NY
June 4, 2007



Louis L. Stanton
U.S.D.J.